

NR 406.04 Direct sources exempt from construction permit requirements. This section does not provide an exemption from construction permit requirements for a source that is required to obtain a permit under ch. NR 405 or 408. For any direct source not required to obtain a permit under ch. NR 405 or 408, no construction permit is required prior to commencing construction, reconstruction, replacement, relocation or modification if the following conditions are met:

(1) SPECIFIC CATEGORIES OF EXEMPT SOURCES. The following categories of direct sources are exempt from the requirement to obtain a construction permit unless construction, reconstruction, replacement, relocation or modification of the source is prohibited by any permit, plan approval or special order applicable to the source:

(a) One or more external combustion furnaces at a source which will not burn any hazardous waste identified under ch. NR 605, or which have been issued a license or licenses under ch. NR 680, and if no individual furnace is designed to burn the following fuels at more than the maximum rates indicated:

1. Coal, coke or other solid fuels, except wood, at a heat input rate of not more than 1.0 million Btu per hour.
2. Wood alone or wood in combination with gaseous or liquid fossil fuels at a heat input rate of not more than 5.0 million Btu per hour.
3. Residual or crude oil at a heat input rate of not more than 5.0 million Btu per hour.
4. Distillate oil at a heat input rate of not more than 10 million Btu per hour.
5. Gaseous fossil fuel at a heat input rate of not more than 25 million Btu per hour.

(b) Equipment which is designed to incinerate solid wastes, which are not pathological wastes, infectious wastes, municipal wastes or hazardous wastes under ch. NR 605, at a rate of not more than 500 pounds per hour.

(c) Equipment which is designed to dry grain at a rate of not more than 1,500 bushels per hour at 5% moisture extraction and which is not subject to s. NR 440.47.

(ce) Grain storage facilities with an average tonnage of grain received of less than 5500 tons per month and which are not subject to s. NR 440.47. The average monthly tonnage of grain received shall be calculated by dividing the cumulative tonnage of grain received since January 1 of each year by 12. The average monthly tonnage of grain received does not include product that the facility sells, acting as a broker, which is never actually received at the grain storage facility.

(cm) Grain processing facilities with an average tonnage of grain received of less than 4500 tons per month and which are not subject to s. NR 440.47. The average monthly tonnage of grain received shall be calculated by dividing the cumulative tonnage of grain received since January 1 of each year by 12. The average monthly tonnage of grain received does not include product that the facility receives that is packaged when received and remains packaged.

(d) Portland concrete batch plants which produce or will produce less than 20,000 cubic yards of concrete per month averaged over any 12 consecutive month period.

(e) Storage tanks containing organic compounds with a true vapor pressure in pounds per square inch absolute at 70°F of less than 1.52 with a combined total tankage capacity of not more than 40,000 gallons.

(f) VOC storage tanks with a combined total tankage capacity of not more than 10,000 gallons of volatile organic compounds.

(g) Painting or coating operations, including associated cleaning operations, which emit or will emit not more than 1666 pounds of volatile organic compounds per month, which are measured prior to entering any emission control devices, unless the emissions of any single hazardous air pollutant listed under section 112 (b) of the act (42 USC 7412(b)) equal or exceed 10 tons per year or the cumulative emissions of hazardous air pollutants listed under section 112 (b) of the act equal or exceed 25 tons per year.

(h) Graphic arts operations, including associated cleaning operations, which emit or will emit not more than 1666 pounds of volatile organic compounds per month, which are measured prior to entering any emission control devices, unless the emissions of any single hazardous air pollutant listed under section 112 (b) of the act equal or exceed 10 tons per year or the cumulative emissions of hazardous air pollutants listed under section 112 (b) of the act equal or exceed 25 tons per year.

(i) Equipment used or to be used for the purpose of testing or research provided that all of the following requirements are met:

1. A complete application for exemption is made describing the proposed testing or research and including an operating schedule and the types and quantities of emissions anticipated.
2. The department determines that the equipment to be used and the anticipated emissions from the testing or research will not present a significant hazard to public health, safety or welfare or to the environment and approves the application for exemption.
3. The equipment will be in operation for less than 12 months.
4. The department approves the application for exemption submitted under subd. 1. The department shall approve or deny the application in writing within 45 days of receiving a complete application. The department may provide public notice of an application for research and testing exemption, may provide an opportunity for public comment and an opportunity to request a public hearing and may hold a public hearing on any application under this paragraph. The department shall make all nonconfidential information available to the public upon request.

(j) A laboratory which emits volatile organic compounds, sulfur dioxide, carbon monoxide, nitrogen oxides or particulate matter or a combination thereof at a rate of less than 5.7 pounds per hour unless the emissions of any single

hazardous air pollutant listed under section 112 (b) of the act equal or exceed 10 tons per year or the cumulative emissions of hazardous air pollutants listed under section 112 (b) of the act equal or exceed 25 tons per year. Hourly emissions shall be determined, based on the quantitative estimate of air contaminants before they enter any emission control devices, by dividing the total uncontrolled emissions which would have occurred during a calendar month by the total hours of operation of the laboratory during that calendar month. A laboratory is in operation if laboratory apparatus or equipment is in use.

(k) Equipment whose primary purpose is to transport or sort paper.

(L) Facilities for chlorination of municipal drinking water, the intake of once through industrial process or cooling water, or water for swimming pools, spas or other recreational establishments.

(m) The following procedures for the remediation or disposal of soil or water contaminated with organic compounds, provided

the potential to emit, considering emission control devices, for any hazardous air contaminant listed in Table 1 to Table 5 of s. NR 445.04 is not greater than the emission rate listed in Table 1 to Table 5 of s. NR 445.04 for the air contaminant at the respective stack height, and the procedure is not subject to any standard or regulation under section 111 or 112 of the act (42 USC 7411 or 7412):

1. Landspreading of contaminated soil, including the agricultural landspreading of soil contaminated with pesticide or fertilizer.

2. Negative pressure venting of contaminated soil or bioremediation, provided the remediation is completed within 3 months or the potential to emit organic compounds from the remediation site is at a rate of not more than 5.7 pounds per hour, considering emission control devices.

3. Pilot testing of a negative pressure venting system provided the testing is limited to a total withdrawal of not more than 150,000 standard cubic feet (scf) of air.

Note: The total withdrawal may be determined by the equation: Total withdrawal (scf) = hours of operation of pilot test (hr) × average flow rate in cubic feet per minute at standard conditions (scfm) × 60 min/hr. An example is: 10 hours of operation × 250 scfm × 60 min/hr = 150,000 scf. When testing at multiple flow rates, determine the withdrawal for each flow rate and sum the withdrawals for a total withdrawal.

4. Landfilling of contaminated soil.

5. Installation and use of devices which remove organic compounds from a private or municipal potable water supply.

6. Installation and use of crop irrigation systems or dewatering wells to remediate contaminated water.

7. Installation and use of air strippers for treatment of contaminated water, provided the remediation is completed within 3 months or the potential to emit organic compounds from the remediation site is at a rate of not more than 5.7 pounds per hour, considering emission control devices.

8. Installation and use of any devices or techniques not listed in this paragraph which are used to remediate soil or water contaminated with organic compounds, if the device or technique is not portable and is not a thermal evaporation unit, and the remediation is completed within 3 months.

9. Installation and use of any technique or device to remediate soil or water contaminated with organic compounds as part of actions taken by EPA under the authority of the comprehensive environmental response compensation and liability act of 1980, 42 USC 9601 to 9675, by the department under the authority of s. 289.67 or ch. 292, Stats., or by a responsible party in compliance with the requirements of an administrative order, consent decree or contract issued pursuant to the comprehensive environmental response compensation and liability act of 1980 or s. 289.67 or ch. 292, Stats.

Note: Even though these sources are exempt from permit requirements, they are still subject to the notification requirements under s. NR 419.07 (2).

(n) Renovation or demolition operations involving friable asbestos containing material provided that the provisions of subd. 1. or 2. are met:

1. The amount of asbestos containing material is less than 260 linear feet on pipes or 160 square feet on other facility components.

2. If the amount of asbestos containing material is at least 260 linear feet on pipes or at least 160 square feet on other facility components, all of the following conditions are met:

- a. Notice of intention is provided under s. NR 447.07.

- b. The notice indicates that the project will meet all applicable requirements of ch. NR 447.

- c. The fee required under s. NR 410.05 (2) and (3) is submitted with the notice.

(o) Batch cold cleaning equipment which does not use halogenated HAP solvent and has a total air to solvent interface of 1.0

square meters or less during operation.

(om) Batch cold cleaning equipment which uses halogenated HAP solvent and meets both of the following requirements:

1. The equipment has a total air to solvent interface of 1.0 square meters or less during operation.

2. The equipment is not a major source or located at a major source, as defined in s. NR 460.02 (24).

(p) Batch open top vapor degreasing equipment which does not use halogenated HAP solvent and has a total air to vapor interface of 1.0 square meters or less during operation.

(pm) Batch open top vapor degreasing equipment which uses halogenated HAP solvent and meets both of the following requirements:

1. The equipment has a total air to solvent interface of 1.0 square meters or less during operation.
2. The equipment is not a major source or located at a major source, as defined in s. NR 460.02 (24).

(pr) Conveyorized non-vapor degreasing and conveyorized vapor degreasing equipment which uses halogenated HAP solvent and is not a major source or located at a major source, as defined in s. NR 460.02 (24).

(q) Private alcohol production systems as defined in s. 289.44 (1) (c), Stats.

(r) Perchloroethylene dry cleaning area sources as defined in s. NR 468.20 (2) (am).

(rm) Chromium electroplating area sources and chromium anodizing area sources as defined in s. NR 460.02(5).

(s) Crematories.

(t) Indirect malt dryers which are designed to burn fuels specified in par. (a) at a heat input rate less than the rates specified in

par. (a).

(u) Gasoline dispensing facilities which dispense gasoline or other petroleum products.

(v) Bulk gasoline plants which distribute gasoline or other petroleum products.

(w) Emergency electric generators powered by internal combustion engines which are fueled by gaseous fuels, gasoline or distillate fuel oil with an electrical output of less than 3,000 kilowatts.

(x) Any quarry, mine or other facility where nonmetallic minerals are extracted that is not a ledge rock quarry or industrial sand mine.

(y) Ledge rock quarries with actual production of less than 25,000 tons per month on a rolling 12 month average, or with actual operation of less than 365 days per 5 year period.

(z) Industrial sand mines with actual production of less than 2,000 tons per month on a rolling 12 month average.

(za) Fixed sand and gravel plants and fixed crushed stone plants with capacities of 25 tons per hour or less.

(zb) Portable sand and gravel plants and portable crushed stone plants with capacities of 150 tons per hour or less.

(zc) The addition or replacement of the following equipment at a nonmetallic mineral processing facility which has an operation permit or which has filed a complete application for an operation permit pursuant to ch. NR 407:

1. Any crusher other than an initial crusher.
2. Any grinding mill other than an initial grinding mill.
3. Any screening operation.
4. Any bucket elevator.
5. Any belt conveyor.
6. Any bagging operation.
7. Any storage bin.
8. Any grizzly.
9. Any pan feeder.
10. Any other nonmetallic mineral processing equipment subject to s. NR 440.688 other than an initial crusher or initial grinding mill.

(zg) Equipment that temporarily increases steam generation capability at a source provided that all of the following conditions are met:

1. The equipment will be installed and operated only when at least one of the permanent steam generating units at the source is out of service for maintenance, repair or an emergency.
2. The equipment will not be operated for more than 3,200 hours and will be shut down and removed within 9 calendar months after installation.
3. Only natural gas will be used as fuel in the equipment.
4. The equipment will meet all applicable emission limits.
5. All applicable monitoring requirements will be met during the equipment's period of use.
6. Use of the equipment will not cause or exacerbate an exceedance of any ambient air quality standard or ambient air increment in s. NR 404.04 or 404.05.
7. A complete application for exemption is submitted to the department for approval. The application shall contain all of the following:
 - a. A description of the equipment.
 - b. The reason for the need to use the equipment.
 - c. A description of how the conditions in subds. 1. to 6. will be met.
8. The department approves the application for exemption submitted under subd. 7. The department shall approve or deny the exemption in writing within 10 business days after receipt of a complete application.